

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES O'NEIL WIGGIN,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

CASE NO. C14-1474 MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER comes before the Court on Petitioner's Objections (Dkt. No. 30) to the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge. (Dkt. No. 29.) Having reviewed the Report and Recommendation, the Objections, and all related papers, the Court ADOPTS the Report and Recommendation, DENIES the petition for writ of habeas corpus, and DISMISSES this action with prejudice. A certificate of appealability with respect to all grounds for relief asserted is DENIED.

Under Fed. R. Civ. P. 72, the Court must resolve de novo any part of the Magistrate Judge's Report and Recommendation that has been properly objected to and may accept, reject, or modify the recommended disposition. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. §

636(b)(1). Petitioner has filed Objections, but Petitioner's arguments discuss video evidence relating to a conviction for robbery with a deadly weapon. (Dkt. No. 30 at 2-3.) The objections do not address the issues in this case, which relates to a conviction for failure to register as a sex offender. (Dkt. No. 29 at 2-5.) At the time of filing, Petitioner was also seeking habeas relief regarding his robbery conviction. See Wiggin v. Miller-Stout, Case No. 2:14-cv-1675-RSL. Petitioner filed, and Judge Lasnik considered, separate Objections to a Magistrate Judge's Report and Recommendation in that action, also concerning video evidence and the robbery conviction. (See Case No. 2:14-cv-1675-RSL, Dkt. Nos. 36, 37, 38.) Plaintiff has not otherwise filed any objections relating to his failure to register as a sex offender petition.

Having reviewed the Report and Recommendation and the related record, the Court agrees with Judge Donohue regarding the disposition of Petitioner's failure to register as a sex offender habeas petition. The Court therefore ADOPTS the Report and Recommendation, DENIES Petitioner's petition, and DISMISSES this action with prejudice. A certificate of appealability is DENIED.

The clerk is ordered to provide copies of this order to all counsel and to Judge Donohue.

Dated this 6th day of May, 2015.



Marsha J. Pechman
Chief United States District Judge